

<div>CASE# 2014-COA-042 (IRV) & 2014-VHP-004</div>	<div>INDIANAPOLIS HISTORIC PRESERVATION COMMISSION STAFF REPORT</div>	<div>Hearing Date APRIL 2, 2014</div> <div>Continued from: April 2, 2014 May 7, 2014 June 4, 2014 July 2, 2014 August 6, 2014</div> <div>Warren Township Council District: 21 Benjamin Hunter</div>
<div>5612 E. WASHINGTON STREET IRVINGTON</div>		
<div>Applicant mailing address:</div>	<div>NEIGHBORHOOD DOWNTOWN ZONING ASSISTANCE, INC. BY DAVID KINGEN 618 E. Market Street Indianapolis, IN 46202</div>	
<div>Owner:</div>	<div>IRV, LLC % SIMMONS & BRAKE, LLC 5435 N. Emerson Way #404 Indianapolis, IN 46222</div>	
<div>CONTINUED CASE</div>		
<div>IHPC COA: 2014-COA-042 (IRV)</div> <div><ul style="list-style-type: none">Installation/retention of business signsVariances of Development Standards of the C-4 zoning ordinance to allow:<ul style="list-style-type: none">Two massage parlors within 500 ft. of a protected district.For a reduction in the off-street parking requirements to 5 spaces (25 required).For parking space maneuverability in right-of-way (N. Layman)Variance of Use to allow a dwelling unit in C-4</div>		
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<div>STAFF RECOMMENDATION: Approval</div>		

STAFF COMMENTS

Background of the Property

5612 E. Washington Street is an accumulation of commercial buildings with a historic residential structure that have all been combined and interconnected. The 1915 Sanborn map shows a dwelling at this corner that fronted E. Washington Street. Later Sanborns show the existing duplex residence at 19-21 N. Layman. The house along Washington had been demolished and replaced with commercial buildings. By 1956 the house's accessory buildings had been removed, and one of the commercial buildings extended all the way back to the alley. This appears to include the section of building that sits right at the alley today.

The duplex and the commercial buildings appears to have been linked around 1956. A large section of the front of the buildings along E. Washington was demolished in 2002 (before designation), leaving the very deep and inconsistent setback that exists today.

The residence is a frame, side gable duplex with its entry from Layman. One of the front doors has been removed, and the first story of the front façade covered with what appears to be stucco or an EIFS type

material. The rest of the building has vinyl siding and replacement windows. The masonry portion of the building is commercial in nature, with brick and a flat roof. There are large aluminum storefront systems facing Washington and the Irvington Shops parking lot. The rest of the building is mostly blank wall punctuated with a few small windows.

Background of this Case

This case began when a business tenant in the building, China Happy Feet, was cited by the Department of Code Enforcement (DCE) for: 1) installing signs without permits and a COA, and 2) operating a non-permitted Massage Parlor. The signs were removed, which eliminated the first violation.

The property owner hired Neighborhood Downtown Zoning Assistance (NDZA) to seek a variance so his tenant could continue in operation. When NDZA investigated the entire property, other zoning inconsistencies were found:

1. There is a residence on the property, which is not permitted in the C-4 zoning district,
2. The property does not comply with the parking and maneuverability requirements, and
3. Another business in the property, The Wellness Center, has signs installed without approval.

NDZA then applied for several variances of use and development standards, as well as a COA to retain existing signs and re-install business signs for China Happy Feet. There are three businesses in the building which are China Happy Feet, The Wellness Center and a real estate business. The parking requirement does not apply to any of the specific businesses, but to all three cumulatively.

Variance of Use for China Happy Feet - WITHDRAWN

In a subsequent inspection of China Happy Feet by DCE, the use violation was removed when DCE determined that the business was legally operating in compliance with an exception in the zoning ordinance. A variance of use for China Happy Feet is no longer needed, so NDZA is withdrawing that request.

Zoning Variances Requested

On behalf of the property owner, NDZA has applied for the variances it believes are needed to permit the uses to continue:

1. Development Standard – Reduction in parking

The building has 5 assigned parking spots, all located in front of the house on N. Layman. According to the commercial ordinance, 25 spaces are needed. There is available parking on the street and in adjacent lots. However, the adjacent parking is technically for the Methodist Church and Irvington Shops, although they function as shared lots because they do not assign spaces. Several other businesses in this strip have needed parking variances because there is a shortage of off-street parking availability. The surrounding area is built up, and there is not room for additional surface lots.

The businesses at 5612 Washington St. do not generate a lot of parking. The largest demand is when there is a class at the Wellness Center. However, this has been successfully accommodated with the Layman Ave. spaces, surrounding parking lots and street parking. Many clients also walk or ride bikes. The Center's owner would like to install a bike rack to encourage more biking to her location. Staff recommends approval of the variance as these businesses do not demand significant amounts of parking, and there is parking available in close proximity.

2. Development Standards - Maneuverability in right-of-way

The parking spaces for this building are accessed directly off of N. Layman. The space is deep enough that most drivers likely do not use Layman itself to maneuver, but they do have to use the right-of-way. This is not dissimilar to the parking at nearby businesses, and the maneuvering has seemingly not caused

any problems. Staff does believe that the spaces should be striped to delineate them and make full use of their availability.

3. **Residential Use – Dwelling unit in C-4**

The property is zoned C-4, which is a community-regional commercial district. It does not allow for residential use. There is a single apartment in the upstairs of the historic Layman double. The owner of the Wellness Center resides in this apartment. The variance of use request is to allow residential use to continue in this commercial zone. Staff recommends approval of this portion of the variance. The Irvington Preservation Plan recommends mixed use (C-3-C) for the Washington Street corridor. This would support a mix of commercial and residential use. As well, the apartment is located in a historic residence, and is adjacent to a dwelling district.

Signage

There are three signs on the building that were installed without a COA or sign permit. China Happy Feet was cited for its wall sign and an EVMS sign. Both of these have been removed. China Happy Feet is requesting the installation of two wall signs – one facing E. Washington Street, and one facing the Irvington Shops parking lot. They may also install a window sign.

The Wellness Center is requesting retention of its signs. These include a wall sign along the Irvington Shops parking lot, a projecting sign along the alley, and a window cling on an entry door. Staff recommends approval of the signs, as the existing and proposed are not in conflict with the Irvington Plan. China Happy Feet will be working with IHPC staff to come up with appropriate design and placement. These will be wall signs with no internal illumination and no EVMS. Signage is generally approved at the staff level, and staff will need to approve the final designs for any new signs.

Irvington Preservation Plan

- *The majority of commercial buildings are currently zoned C-3 and C-4, which are intense and inappropriate zoning classifications for the historic area. It is recommended that commercial structures be rezoned to C-3-C.*
- *Consider supporting variances for less than the required parking if the current zoning classification requires more parking than is practically needed for a particular business establishment.*
- *The location of signs on commercial buildings should conform with the traditional placement of signs on such buildings.*
- *The size, scale, colors, shapes, and graphics on the sign should be compatible with the building and the surrounding area.*
- *A majority of the sign face should contain the business name and image.*

Findings of Fact

The applicant has been told that staff believes the Findings of Fact are inadequate. He has been asked to submit revised findings in time for the September hearing.

STAFF RECOMMENDED MOTION

COA #2014-COA-042 (IRV):

To approve a Certificate of Appropriateness to install new signs for China Happy Feet and retain existing Wellness Center business signs and for variances of use and development standards; per submitted documentation and subject to the following stipulations:

1. **All new signage must be approved by staff prior to installation**
Approved: _____ Date: _____
2. **Exposed wiring or conduit is not permitted.**

3. Sign supports and hardware must be installed using methods which cause as little damage as possible to the exterior walls. Fasteners at masonry locations should be installed in the mortar joints. Do not drill into or otherwise damage masonry (brick, block, structural tile, etc.).
4. All panels shall be of durable quality. Damaged and/or defaced panels shall be repaired or replaced within ten (10) business days of receiving notice of damage, vandalism, or disrepair.
5. If/when panels are removed, affected areas shall be patched/repaired/repainted or otherwise returned to their original weather-tight condition within ten (10) business days of removal.
6. Any changes to the design, placement, lighting, or other aspects of the signage plans must be approved by IHPC staff prior to commencing work and may require a new Certificate of Appropriateness.

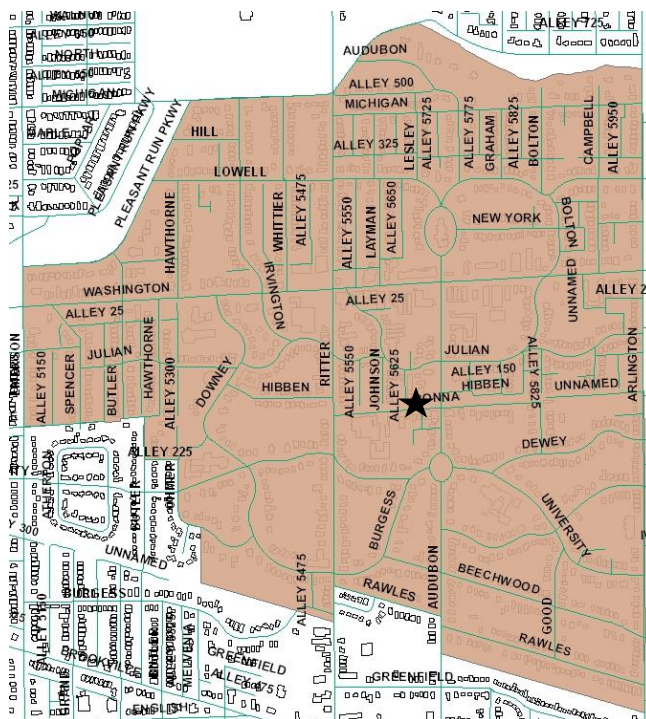
NOTE: Owner is responsible for complying with all applicable codes.

VARIANCE PETITION #2014-VHP-004:

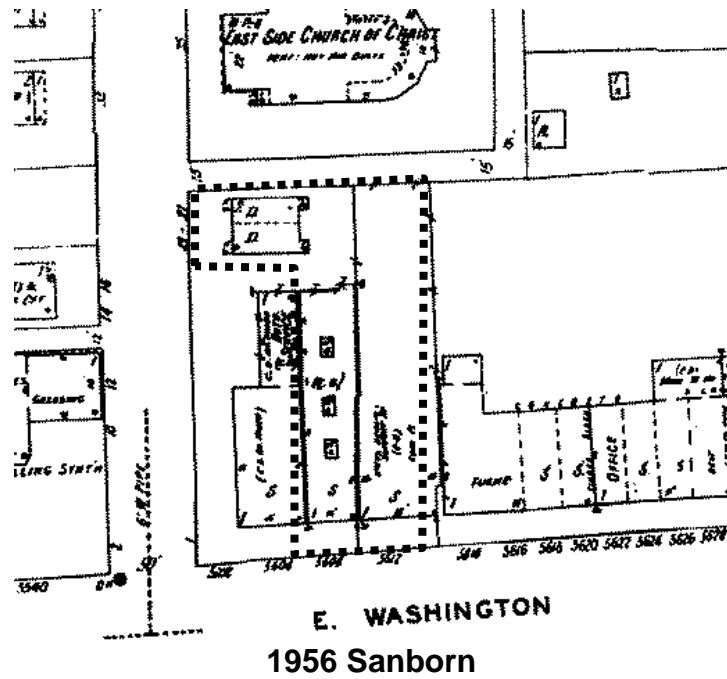
To approve:

1. Variances of Development Standards of the C-4 zoning ordinance to allow:
 - a. A reduction in the off-street parking requirements to 5 spaces (25 required).
 - b. Parking space maneuverability in right-of-way of N. Layman Ave.
2. Variance of Use to allow a dwelling unit in C-4

Staff Reviewer: Emily Jarzen



Maps of subject property



E. WASHINGTON
1956 Sanborn



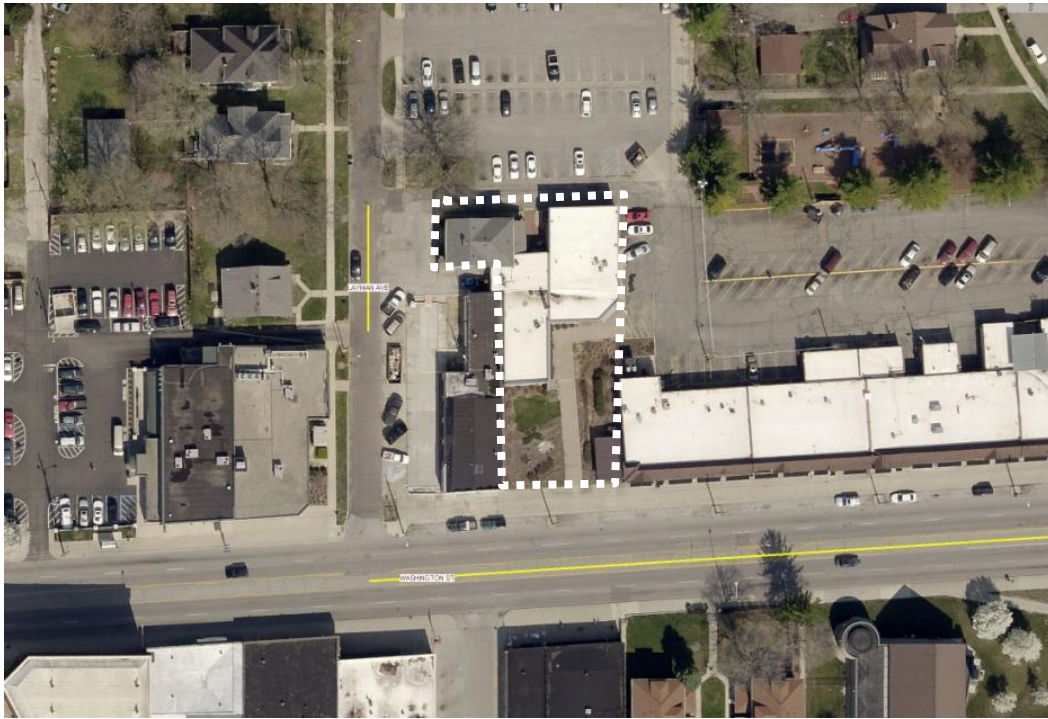
1937 Aerial



1956 Aerial



Looking north on Layman Ave. from front of residence



Aerial Views Today



Facing North



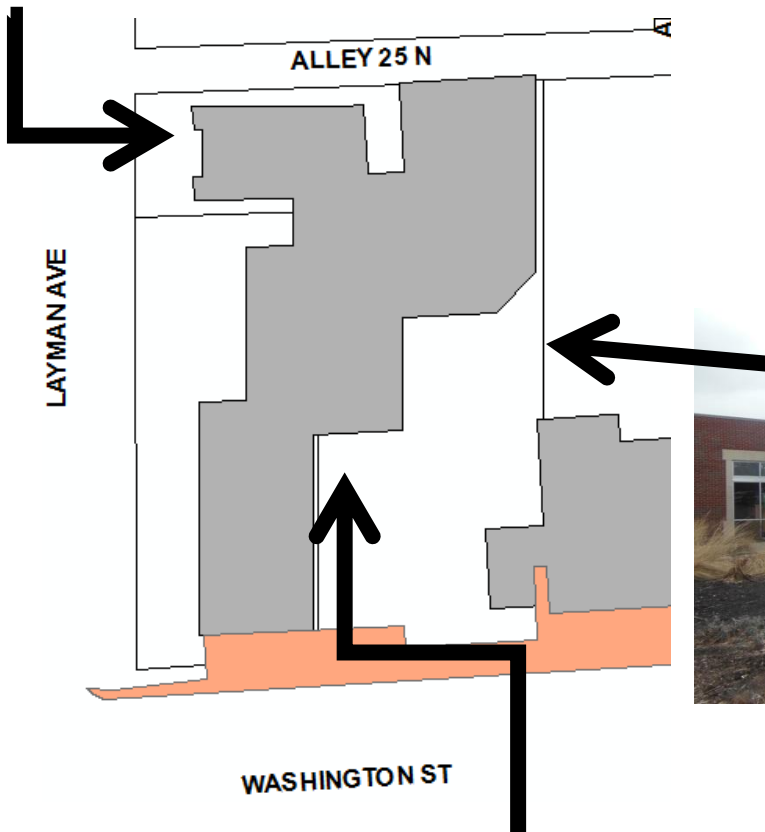
Facing South



Facing East



Facing West



PHOTOS OF EXISTING SIGNS NEEDING APPROVAL



Letters of Support



April 29, 2014

To the Indianapolis Historic Preservation Commission:

On behalf of the Historic Irvington Community Council, I am writing to voice our strong support for IHPC's approval of the petition number 2014-VHP-004, for the property at 5612 E. Washington Street, 46219. After meeting with the owner, tenants, and agent representatives, the Council is satisfied that all aspects of the variance request, including attachment C items as listed #1-7 in their application packet, will be satisfactorily met.

The tenants have been model small business owners in Irvington, and many of the residents utilize their services. Based on the information given to us, the Council sees no reason why this petition should not be accepted by the Commission.

Sincerely,

Chris Maroldo

Chris Maroldo, President
Historic Irvington Community Council

RECEIVED

IBA Irvington
Business
Association

P.O. Box 19714
Indianapolis, IN 46219

June 2, 2014

To the Indianapolis Historic Preservation Commission:

On behalf of the Irvington Business Association, I am writing to express the organization's support for the petition number 2014-VHP-004, for the property at 5612 E. Washington Street, 46219. We believe that granting this petition will provide important continuity for the two business owners, each of whom has provided great value to the Irvington neighborhood.

We hope the commission agrees, and thanks for allowing us to provide input.

Sincerely,

Rick Wilkerson
Chairperson, Irvington Business Association

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JUN 02 2014

Dear Indianapolis Historic Preservation Commission:

The Irvington Development Organization strongly supports Irvington Wellness Center's continued operations, providing therapeutic massage, exercise, yoga, and other spa services at 17 N. Layman Ave. They are an asset to our business community and active supporters and partners of our revitalization efforts.

We support their variance request that includes the owner/operator of Irvington Wellness Center residing in the studio apartment above the Center. And we also support the parking alongside the Layman side of the building and understand that they will be maneuvering in the public right of way along Layman. This has not does appear to cause any congestion or public safety concerns in the area.

Margaret Lawrence Banning
Executive Director
Irvington Development Organization

June 2, 2014

Dear Indianapolis Historic Preservation Commission:

I attend a weekly Yoga class at the Irvington Wellness Center. I love the class, the instructors and everything else about the Center. I support the Irvington Wellness Center in continuing to provide therapeutic massage services at 17 N. Layman Avenue. In addition, I support their variance request that includes owner/operator of Irvington Wellness Center to reside in the studio apartment connected to the Business.

And, lastly, I support the parking of automobiles alongside the Layman side of the building and understand that they will be maneuvering in the public right of way along Layman.

David Skirvin

5749 E New York St.